

BILL NO. S-73-08-30

SPECIAL ORDINANCE NO. S-90-73

AN ORDINANCE approving a contract with JUSTUS CONTRACTING COMPANY for construction of a water main on Old Decatur Road.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The agreement approved July 24, 1973 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and JUSTUS CONTRACTING CO., INC. for the construction of a water main as follows:

2235+ feet of 12 inch ductile iron water main and its appurtenances on the Old Decatur Road, from the existing water main on South Anthony Blvd., southward a distance of 2235+ feet, all as shown on Fort Wayne Water Utility Drawing No. M-10055, sheet 1 of 1.

for a total cost of \$8,157.40 of Utility money, all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY

  
CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8/14/73

Charles W. Talarico  
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<u>✓</u>	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____
KRAUS	<u>✓</u>	_____	_____	_____
MOSES	<u>✓</u>	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____

DATE: 8-28-73

Charles W. Talarico  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. S-90-73 on the 28th day of August, 1973.

ATTEST: (SEAL)  
Charles W. Talarico  
CITY CLERK

Winfield C. Mann Jr.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of August, 1973, at the hour of 10:40 o'clock A. M., E.S.T.

Charles W. Talarico  
CITY CLERK

Approved and signed by me this 29th day of August, 1973, at the hour of 4:00 o'clock P. M., E.S.T.

Dean A. Rader  
MAYOR

Bill No. S-73-08-30

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance

approving a contract with JUSTUS CONTRACTING COMPANY for

construction of a water main on Old Decatur Road

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier  
Eugene Kraus, Jr.  
Samuel J. Talarico  
William T. Hinga  
Vivian G. Schmidt

DATE 8-28-12 CON 4  
CHARLES W. WESTERMAN, CITY CLERK

THIS AGREEMENT, made and entered into this 24 day of July, 1973, by and between JUSTUS CONTRACTING CO., INC., of Indianapolis, Indiana, hereinafter called CONTRIBUTOR AND THE FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the considerations hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 2235+ feet of 12 inch D. I. water main, including all necessary fittings as follows:

For furnishing all necessary materials, equipment and labor for the installation of 2235+ feet of 12 inch ductile iron water main and its appurtenances on the Old Decatur Road, from the existing water main on South Anthony Blvd., southward a distance of 2235+ feet, all as shown on Fort Wayne Water Utility Drawing No. M-10055, sheet 1 of 1.

2. That said water main system shall be constructed according to the standards, plans and specifications of the UTILITY and that said UTILITY shall furnish water thru said main when completed, in accordance with the rules and regulations of said UTILITY, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected and placed in service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract that the CONTRIBUTOR shall furnish all materials, contractual labor, and equipment for the construction of said water main through an existing contract between EARTH CONSTRUCTION AND ENGINEERING, INC., and JUSTUS CONTRACTING CO., INC., at a cost of Thirty Eight Thousand Two Hundred Sixty Eight and 15/100 Dollars, (\$38,268.15). and that said UTILITY shall supply the necessary labor for inspection, pressure testing, disinfection, engineering and labor and materials to make connection to existing main at a cost of Two Thousand One Hundred Seventy-Five and No/100 Dollars, (\$2,175.00). Therefore, the total cost of said water main is Forty Thousand Four Hundred Forty Three and 15/100 Dollars, (\$40,443.15). It is further understood and agreed by and between the parties of this contract that the said CONTRIBUTOR shall bear the cost of the water main on the basis of an Eight (8) inch main, the cost of which is Thirty Thousand One Hundred Ten and 75/100 Dollars, (\$30,110.75) and which amount is the contract price of this Agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of materials, contractual labor and equipment as supplied by the contractor, as referred to above and the contract price of this Agreement, said difference being Eight Thousand One Hundred Fifty Seven and 40/100 Dollars, (\$8,157.40).

4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have a service connection tap made into this water main within a period of fifteen (15) years from the above date and become a permanent consumer of water on the easterly 242.4 feet of lot # 1, in Neuenschwander Addition or the property on the northeasterly side of and adjacent to the Old Decatur Road from the southeasterly corner of the above lot # 1, southeasterly a distance of 977 feet, all located in the Northwest one-quarter ( $\frac{1}{4}$ ) of Section 31, Township 30 North, Range 13 East (Adams Township), in Allen County, Indiana, or any part or parts thereof, he shall apply to the said UTILITY for a permit to tap the above said water main and shall be required to pay to said UTILITY his share of the installation cost in addition to the regular tapping fee which share shall be \$14,728 per frontal foot. The money so collected shall be paid to the CONTRIBUTOR.
5. The UTILITY may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the CONTRIBUTOR under this contract.
6. It is further understood and agreed that, upon completion and acceptance by the UTILITY, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and that all rights, title and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.
7. Councilmanic Approval.

This contract, although executed on behalf of the UTILITY by it's Mayor and Board of Public Works, shall not be binding upon the UTILITY unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this Contract, the day and year first above written.

JUSTUS CONTRACTING CO., INC.

By: Walt M. Justus

CITY OF FORT WAYNE, INDIANA

By: Ivan A. Lebamoff

Ivan A. Lebamoff, Mayor

ATTEST:

Edna I. Smith  
Edna I. Smith, Clerk

Approved as to Form and Legality

John Fleck  
JOHN FLECK, ASSOC. CITY ATTORNEY

Approved by the Common Council of  
the City of Fort Wayne,

on \_\_\_\_\_, 1973

Special Ordinance \_\_\_\_\_

BOARD OF PUBLIC WORKS

Ronald K. Bonar  
Ronald K. Bonar

JUL 24 1973

ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ~~ALLEN~~:

MARION

BEFORE ME, a Notary Public, in and for said County and State, this

17th day of July, 1973, personally appeared

the within named Walter G. Justus

who being by me first duly sworn upon his oath says that he is the

Vice President


of Justus Contracting Co., Inc.

and as such duly authorized to execute the foregoing instrument and

acknowledged the same as the voluntary act and deed of his

for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official  
seal.

  
\_\_\_\_\_  
Notary Public Dolores Hunt

MY COMMISSION EXPIRES:

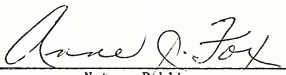
9-25-75

ACKNOWLEDGEMENT

STATE OF INDIANA:  
SS:  
COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 24<sup>th</sup> day of July, 1972, personally appeared the within named IVAN A. LEBAMOFF, Mayor of the City of Fort Wayne; JERRY D. BOSWELL, RONALD L. BONAR and WILLIAM G. WILLIAMS, members of the Board of Public Works, City of Fort Wayne, Indiana; EDNA I. SMITH, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

March 6, 1976



DIGEST SHEET

✓  
J-73-08-30

TITLE OF ORDINANCE Water Contract 7307 - Old Decatur Road

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE The attached contract for installation of water  
main on Old Decatur Road was bid by the City because of City's participation for  
oversizing. Earth Construction will be doing the work for Justus Contracting Company.  
The total cost of construction is \$40,443.15 including engineering and inspection due  
the Utility in amount of \$2,175.00. The only cost to the Utility will be \$8,157.40  
for oversizing. (copy of contract attached)

EFFECT OF PASSAGE Permits oversizing of line for future expansion.

EFFECT OF NON-PASSAGE Inadequate lines for expansion.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

\$8,157.40 of Utility money.

ASSIGNED TO COMMITTEE (J.N.) Public Works - WCCW

# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	<i>A-73-08-30</i>
ORDINANCE NO.	<i>A-90-73</i>
REGULAR SESSION	<i>Aug 14</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Fled.</i>
BILL WRITTEN BY	<i>Ch. J. Work.</i>
DATE INTRODUCED	<i>8-14-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Stier</i> <i>Public Works</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
<input checked="" type="checkbox"/> LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	<i>Aug 28-</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	<i>Contract</i>
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

*Original Sheet.*

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	<i>X</i>		
HINGA	<i>X</i>		
KRAUS	<i>X</i>		
MOSES	<i>X</i>		
NUCKOLS	<i>X</i>		
D. SCHMIDT	<i>X</i>		
V. SCHMIDT	<i>X</i>		
STIER	<i>X</i>		
TALARIGO	<i>X</i>		

COMMENTS: